Regular Session, 2009

HOUSE BILL NO. 796

## BY REPRESENTATIVES PETERSON, HARDY, AND GARY SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1	AN ACT
2	To amend and reenact R.S. 38:330.1(B)(1)(a), (C)(1)(a) and (b), (2)(a), (G), (K)(3), and
3	330.4(B)(1), relative to the Southeast Flood Protection Authority East and West; to
4	remove territorial jurisdiction under the Authority Board East; to reduce the number
5	of members of the Authority Board East; to provide for members' qualifications; to
6	provide for qualifications for the Authority Board West; to provide relative to the
7	membership of the nominating committee; to provide relative to the duties of the
8	nominating committee; to provide relative to a board member's fiduciary duty to the
9	board; to provide an exception for certain public employees to serve as members on
10	either board; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 38:330.1(B)(1)(a), (C)(1)(a) and (b), (2)(a), (G), (K)(3), and
13	330.4(B)(1) are hereby amended and reenacted to read as follows:
14	§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
15	Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
16	board of commissioners; appointments; terms; compensation; vacancy;
17	officers; meetings; domicile
18	* * *
19	B.
20	* * *
21	(1)(a) The following levee districts and parts of levee districts and parishes
22	shall be included within the Southeast Louisiana Flood Protection Authority-East:
23	(i) East Jefferson Levee District.
24	(ii) Lake Borgne Basin Levee District.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	(iii) The Orleans Levee District.
2	(iv) St. Tammany Levee District.
3	(v) Tangipahoa Levee District.
4	(vi) That portion of St. Charles Parish lying east of the Mississippi River.
5	(vii) That portion of St. John the Baptist lying east of the Mississippi River.
6	* * *
7	C.(1) There is hereby created a board of commissioners for each flood
8	protection authority as follows:
9	(a) The board of commissioners of the Southeast Louisiana Flood Protection
10	Authority-East shall be composed of eleven nine members, of whom there shall be
11	at least, and not more than, one member from each parish within the territorial
12	jurisdiction of the authority. The members shall be appointed by the governor from
13	nominations submitted by the nominating committee as follows:
14	(i) Five members who shall either be an engineer or a professional in a
15	related field such as geotechnical, hydrological, or environmental science. Of the
16	five members, one member shall be a civil engineer, and one member shall be a
17	geologist or a hydrologist.
18	(ii) Three Two members who shall be a professional in a discipline other
19	than that occurring in Item (i) of this Subparagraph with at least ten years of
20	professional experience in that discipline. One of these members shall be a resident
21	of a parish as provided for in Item (B)(1)(a)(vi) or (vii) of this Section.
22	(iii) Three Two members who shall be at-large. One of these members shall
23	be a resident of a parish as provided for in Items (B)(1)(a)(vi) and (vii) of this
24	Section.
25	(b) The board of commissioners of the Southeast Louisiana Flood Protection
26	Authority-West Bank shall be composed of seven members of whom two shall reside
27	in Jefferson Parish on the west side of the Mississippi River within the jurisdiction
28	of the authority, two shall reside in Orleans Parish on the west side of the Mississippi
29	River, and three shall reside outside of Jefferson and Orleans parishes. The members

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shall be appointed by the governor from nominations submitted by the nominating

2	committee as follows:
3	(i) Three members, each of whom shall be either an engineer or a
4	professional in a related field such as geotechnical, hydrological, or environmental
5	science. At least One one of the three members shall be a civil engineer, and one
6	shall be a geologist.
7	(ii) Two Three members, each of whom shall be a professional in a discipline
8	other than those identified in Item (i) of this Subparagraph who shall at a minimum
9	hold a baccalaureate degree from an accredited institution of higher learning with at
10	least ten years of professional experience in that discipline.
11	(iii) Two members shall be at-large One member who shall possess the
12	qualifications set forth in either Item (i) or (ii) of this Subparagraph.
13	(2)(a) The nominating committee for each board shall be composed as
14	follows:
15	(i) A member designated by the Public Affairs Research Council of
16	Louisiana.
17	(ii) A member designated by the Council for A Better Louisiana.
18	(iii) A representative of the Louisiana Geological Survey at Louisiana State
19	University.
20	(iv) A member of the Association of State Floodplain Managers designated
21	by the association.
22	(v) A member of the National Academy of Engineering designated by the
23	academy.
24	(vi) (v) A member of the National Society of Black Engineers designated by
25	the society.
26	(vii) A member of the American Institute of Hydrology designated by the
27	<del>institute.</del>
28	(viii) (vi) The dean of the College of Engineering at the University of New
29	Orleans, or his designee.

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1	(ix) (vii) The dean of the School of Science and Engineering at Tulane
2	University, or his designee.
3	(x) (viii) The dean of the College of Engineering at Southern University and
4	Agricultural and Mechanical College, or his designee.
5	(xi) (ix) The dean of the College of Engineering at Louisiana State
6	University, or his designee.
7	(xii) A member of the National Society of Professional Engineers designated
8	by the society.
9	(xiii) (x) A member of the American Society of Civil Engineers designated
10	by the society.
11	* * *
12	G. Each board member shall have a fiduciary duty to act in the best interest
13	of the board and shall serve the board's mission without any undue influence. In case
14	of neglect of fiduciary duty or any other duty by any board member or of his failure,
15	without good cause, to attend three successive regular meetings, on request of the
16	board, the governor shall remove the commissioner.
17	* * *
18	K.
19	* * *
20	(3) No public employee or former public employee shall serve as a member
21	of the board within twelve months of the termination of his employment other than
22	as a member of the board. Any person who is a member of faculty or staff of any
23	state university or any individual serving on any state board or commission where
24	the individual is not compensated for that service shall be excluded from the
25	provisions of this Paragraph.

1	§330.4 Regional directors
2	* * *
3	B. In addition to the qualifications fixed by the board pursuant to Subsection
4	A of this Section, the regional director shall:
5	* * *
6	(1) No later than ninety days after and for the remainder of his appointment
7	reside within the territorial jurisdiction of the authority Reside in southeas
8	Louisiana.
9	* * *
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

**ENROLLED** 

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